

## **REMARKS**

Applicants have amended claims 26, 28-35, 37, 43-47, 51 and 61, and have cancelled claims 1-25, 27, 34-36, 38-41, 48-50, and 52-60, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner rejected claim 65 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner rejected claim 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 26, 28-33, 37, 42-47 and 61-69 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner rejected claims 26, 29-30, 37, 42-47, 61-63 and 66-67 under 35 U.S.C. § 102(e) as allegedly being anticipated by Ankireddipally et al., Pat. No. 6,772,216 (hereinafter Ankireddipally).

The Examiner rejected claim 28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Shannon et al., Pub. No. 2002/0046301 (hereinafter Shannon).

The Examiner rejected claims 31-32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Conklin et al. Pat. No. 6,336,105 (hereinafter Conklin).

The Examiner rejected claim 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Drolet et al., Pub. No. 2002/0147622 (hereinafter Drolet).

The Examiner rejected claim 64 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Wray, Pat. No. 6,952,768 (hereinafter Wray) and Shippy et al., Pat. No. 7,269,744 (hereinafter Shippy).

The Examiner rejected claim 65 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, Wray and Shippy as applied to claim 64 above, and further in view of Callon et al., Pat. No. 5,251,205 (hereinafter Callon) and Ma, Pat. No. 6,976,075 (hereinafter Ma).

The Examiner rejected claim 68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Barzilai et al., Pub. No. 2002/0029201 (hereinafter Barzilai) and Mahanti et al., Pub. No. 2002/0052824 (hereinafter Mahanti).

The Examiner rejected claim 69 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Buonanno et al., Pub. No. 2002/0065885 (hereinafter Buonanno).

Applicants respectfully traverse the § 112, §101, § 102 and § 103 rejections with the following arguments.

### **35 U.S.C. § 112, First Paragraph**

The Examiner rejected claim 65 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner states that the Examiner is unable to find support in the specification for “alter content of the header.”

In response, Applicants cite the specification, page 32, line 15 which recites: “Broadcasting may comprise alterations to the business process data header”.

The Examiner also states that the the Examiner is unable to find support in the specification for “digitally sign the modified header” and that the specification, page 31, lines 13-16 discloses examining the header and verifying the digital signatures.

In response, Applicants cite the specification, page 38, line 19 - page 39, line 2 which recites: “If process management platform 318 alters a message in any way, including correcting transmission errors using built-in error correction information, it may be required to “*sign*” the message before passing it to on to its recipient” (emphasis added). In light of the Examiner’s indication that the specification, page 31, lines 13-16 discloses examining the header and verifying the *digital signatures*, Applicant respectfully contend that the phrase “digitally sign the modified header” is supported in the specification.

Based on the preceding arguments, Applicants respectfully request that the rejection of claim 65 under 35 U.S.C. § 112, first paragraph be withdrawn.

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### **35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claim 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner argues that the phrase “wherein said process gateway interfaces with at least one legacy system” lacks antecedent basis.

In response, Applicants have amended claim 28 such that the phrase “wherein said process gateway interfaces with at least one legacy system” does not lack antecedent basis.

Based on the preceding arguments, Applicants respectfully request that the rejection of claim 28 under 35 U.S.C. § 112, second paragraph be withdrawn.

### **35 U.S.C. § 101**

The Examiner rejected claims 26, 28-33, 37, 42-47 and 61-69 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner argues: "In regards to the independent claim 26, the Examiner has interpreted the claim as being drawn to the apparatus statutory category because of the use of "computer" in the preamble. However, the body of the claim does not contain any limitations indicating the structure of the computer. An apparatus claim should always claim the structure (e.g. hardware, machine or apparatus) that is *performing the function*. Applicant's claimed limitations do consist of "a computer readable medium" and "computer readable program code" (i.e. software); this does not distinctly describe the structure of the computer. Appropriate correction is required. Applicant may consider the following amendment to the first limitation: "a computer readable medium having computer readable program code embodied therein, said computer readable program code when executed by a computer, enables the computer to:"".

In response, Applicants have amended claim 26 in accordance with the preceding suggestion by the Examiner.

Based on the preceding arguments, Applicants respectfully request that the rejection of claim 26 under 35 U.S.C. § 101 be withdrawn.

### **35 U.S.C. § 102(e)**

The Examiner rejected claims 26, 29-30, 37, 42-47, 61-63 and 66-67 under 35 U.S.C. § 102(e) as allegedly being anticipated by Ankireddipally et al., Pat. No. 6,772,216 (hereinafter Ankireddipally).

Applicants respectfully contend that Ankireddipally does not anticipate claim 26, because Ankireddipally does not teach each and every feature of claim 26. The Examiner argues that the commerce exchange server 10 in Ankireddipally, FIG . 1 represents the claimed process management platform. Therefore, since the rules of antecedent basis require that all references to the process management platform in claim 26 must refer to the same process management platform, it follows that all appearances of the process management platform in claim 26 must refer to the same commerce exchange server 10 in applying Ankireddipally to claim 26.

Thus, Ankireddipally does not teach the feature “generate a second business process data from said first business process data”, because the first business data process is required by claim 26 to be generated at the process management platform (i.e., the commerce exchange server 10) and the Examiner indeed alleges that the first business process data is generated at the commerce exchange server 10. However, the Examiner also alleges that the second business process data is generated in accordance with the prior art described in Ankireddipally, col. 5, lines 27-35. Since the first business process data is alleged by the Examiner to be generated by the commerce exchange server 10 in accordance with Ankireddipally’s claimed invention and not in accordance with the prior art, it is very clear that Ankireddipally does not teach that the second business process data is generated from the first business process data. Specifically, the Examiner alleges that the second business process data is generated in accordance with the prior art described in

Ankireddipally, col. 5, lines 27-35 and thus not in accordance with Ankireddipally's claimed invention. Accordingly, Ankireddipally does not anticipate claim 26.

In addition, Ankireddipally does not teach the feature "transmit said second business process data from said process management platform". The Examiner alleges that the second business process data is generated in accordance with the prior art described in Ankireddipally, col. 5, lines 27-35 and thus not in accordance with Ankireddipally's claimed invention. However the process management platform (i.e., the commerce exchange server 10) is specific to Ankireddipally's claimed invention and not to the prior art. Therefore, it is clear that Ankireddipally does not teach that the second business process data is transmitted from the commerce exchange server 10. Accordingly, Ankireddipally does not anticipate claim 26.

Based on the preceding arguments, Applicants respectfully maintain that Ankireddipally does not anticipate claim 26, and that claim 26 is in condition for allowance. Since claims 29-30, 37, 42-47, 61-63 and 66-67 depend from claim 26, Applicants contend that claims 29-30, 37, 42-47, 61-63 and 66-67 are likewise in condition for allowance.

## **35 U.S.C. § 103(a)**

### **Claim 28**

The Examiner rejected claim 28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Shannon et al., Pub. No. 2002/0046301 (hereinafter Shannon).

Since claim 28 depends from claim 26, which Applicants have argued *supra* to not be unpatentable over Ankireddipally under 35 U.S.C. §102(e), Applicants maintain that claim 28 is likewise not unpatentable over Ankireddipally in view of Shannon under 35 U.S.C. §103(a).

In addition, Ankireddipally in view of Shannon does not disclose the feature: “wherein said process gateway interfaces with at least one legacy system of one or both of said at least one first trading participant and said at least one of said plurality of second trading participants”.

The Examiner argues: “Shannon teaches that when businesses attempted to expand electronic commerce and communication abilities within their organizations and across to business partners, they found themselves with limited and expensive options due to various technical problems. Shannon teaches that many such businesses had proprietary systems and that electronic commerce and communication with their business partners entailed these organizations communicating via custom-built gateways to Legacy or near-Legacy systems (¶0003). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and method for managing application-to-application communication of Ankireddipally, the use of gateways to Legacy or near-Legacy systems as taught by Shannon, since the claimed invention is merely a combination of old elements, and in the combination each

element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants assert that the Examiner’s argument for supporting a modification of Ankireddipally by the alleged teaching of Shannon is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Shannon. The Examiner’s failure to provide any credible analysis to support the Examiner’s suggested modification of Ankireddipally by the alleged teaching of Shannon makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 28.

Furthermore, Applicants respectfully assert that the Examiner cannot use Shannon to reject claim 28 under 35 U.S.C. § 103(a), because the filing date of January 9, 2001 of the present patent application is earlier than the filing date of August 13, 2001 of Shannon. Although Shannon claims priority of provisional application 60/224,538 filed August 11, 2000, the subject matter in Shannon cited by the Examiner to reject claim 28 under 35 U.S.C. § 103(a) does not appear to exist in provisional application 60/224,538. Therefore, the effective prior art date for the subject matter in Shannon cited by the Examiner to reject claim 28 under 35 U.S.C. § 103(a) is the filing date of August 13, 2001 of Shannon which is after the filing date of January 9, 2001 of the present patent application. Accordingly, the Examiner’s rejection of claim 28 as allegedly unpatentable over Ankireddipally in view of Shannon under 35 U.S.C. §103(a) has no legal effect.

Applicants respectfully point out that the Examiner has cited Par. 0003 of Shannon as allegedly disclosing the claimed feature of “wherein said process gateway interfaces with at least

one legacy system of one or both of said at least one first trading participant and said at least one of said plurality of second trading participants". In particular, the Examiner argues that Par. 0003 of Shannon teaches that businesses had proprietary systems and that electronic commerce and communication with their business partners entailed these organizations communicating via custom-built gateways to Legacy or near-Legacy systems. Applicants cannot find disclosure in provisional application 60/224,538 that businesses had proprietary systems and that electronic commerce and communication with their business partners entailed these organizations communicating via custom-built gateways to Legacy or near-Legacy systems.

Applicants note that the organization and content of the subject matter in provisional application 60/224,538 is markedly different from the organization and content of the subject matter in Shannon.

If the Examiner should use Shannon as a prior art reference in the future, Applicants respectfully request that the Examiner identify the exact language in provisional application 60/224,538 relied upon by the Examiner, so that Applicants can assess whether the subject matter in Shannon relied upon by the Examiner is new matter or is not new matter relative to provisional application 60/224,538.

#### Claims 31-32

The Examiner rejected claims 31-32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Conklin et al. Pat. No. 6,336,105 (hereinafter Conklin).

Since claims 31-32 depend from claim 26, which Applicants have argued *supra* to not be unpatentable over Ankireddipally under 35 U.S.C. §102(e), Applicants maintain that claims 31-32 are likewise not unpatentable over Ankireddipally in view of Conklin under 35 U.S.C. §103(a).

In addition, Ankireddipally in view of Conklin does not disclose the feature: "archiving, by the process management platform, said first business process data in a storage medium." and "computer readable program code configured to provide, by the process management platform, said archived first business process data to an entity for non-repudiation purposes".

The Examiner argues: "Conklin teaches a method used within an electronic negotiations community where a negotiations engine processes each negotiations and stores and archives each "round" or step of the negotiations for non-repudiation purposes (Abstract and col. 30, lines 1-20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and method for managing application-toapplication communication of Ankireddipally, the storing and archiving method as taughtby Conklin, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. SeeMPEP 2143 (Rev. 6, Sept 2007)."

In response, Applicants assert that the Examiner's argument for supporting a modification of Ankireddipally by the alleged teaching of Conklin is no more than a rote repetition of a generic argument that the Examiner has not particulaized to facts specific to Ankireddipally and Conklin . The Examiner's failure to provide any credible analysis to support the Examiner's suggested

modification of Ankireddipally by the alleged teaching of Conklin makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claims 31-32.

### Claim 33

The Examiner rejected claim 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Drolet et al., Pub. No. 2002/0147622 (hereinafter Drolet).

Since claim 33 depends from claim 26, which Applicants have argued *supra* to not be unpatentable over Ankireddipally under 35 U.S.C. §102(e), Applicants maintain that claim 33 is likewise not unpatentable over Ankireddipally in view of Drolet under 35 U.S.C. §103(a).

In addition, Ankireddipally in view of Drolet does not disclose the feature: “wherein said first business process data comprises at least one partner interface process”.

The Examiner argues: “Drolet teaches that in an electronic hub used to facilitate supply chain management, PIPs are used to reference data elements that are exchanged between supply chain partners (Abstract and ¶0063). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and method for managing application-to-application communication of Ankireddipally, the use of PIPs as taught by Drolet, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants assert that the Examiner's argument for supporting a modification of Ankireddipally by the alleged teaching of Drolet is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Drolet. The Examiner's failure to provide any credible analysis to support the Examiner's suggested modification of Ankireddipally by the alleged teaching of Drolet makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 33.

Furthermore, Applicants respectfully assert that the Examiner cannot use Drolet to reject claim 33 under 35 U.S.C. § 103(a), because the filing date of January 9, 2001 of the present patent application is earlier than the filing date of December 18, 2001 of Drolet. Although Drolet claims priority of provisional application 60/255,880 filed December 18, 2000, the subject matter in Drolet cited by the Examiner to reject claim 33 under 35 U.S.C. § 103(a) does not appear to exist in provisional application 60/255,880. Therefore, the effective prior art date for the subject matter in Drolet cited by the Examiner to reject claim 33 under 35 U.S.C. § 103(a) is the filing date of December 18, 2001 of Drolet which is after the filing date of January 9, 2001 of the present patent application. Accordingly, the Examiner's rejection of claim 33 as allegedly unpatentable over Ankireddipally in view of Drolet under 35 U.S.C. §103(a) has no legal effect.

Applicants respectfully point out that the Examiner has cited the abstract and Par. 0063 of Jolet as allegedly disclosing the claimed feature of "wherein said first business process data comprises at least one partner interface process". In particular, the Examiner argues that the abstract and Par. 0063 of Drolet teach that in an electronic hub used to facilitate supply chain management, PIPs are used to reference data elements that are exchanged between supply chain

partners. Applicants cannot find disclosure in provisional application 60/255,880 that in an electronic hub used to facilitate supply chain management, PIPs are used to reference data elements that are exchanged between supply chain partners.

Applicants note that the organization and content of the subject matter in provisional application 60/255,880 is markedly different from the organization and content of the subject matter in Drolet.

If the Examiner should use Drolet as a prior art reference in the future, Applicants respectfully request that the Examiner identify the exact language in provisional application 60/255,880 relied upon by the Examiner, so that Applicants can assess whether the subject matter in Drolet relied upon by the Examiner is new matter or is not new matter relative to provisional application 60/255,880.

#### Claim 64

The Examiner rejected claim 64 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Wray, Pat. No. 6,952,768 (hereinafter Wray) and Shippy et al., Pat. No. 7,269,744 (hereinafter Shippy).

Since claim 64 depends from claim 26, which Applicants have argued *supra* to not be unpatentable over Ankireddipally under 35 U.S.C. §102(e), Applicants maintain that claim 64 is likewise not unpatentable over Ankireddipally in view of Wray and Shippy under 35 U.S.C. §103(a).

In addition, Ankireddipally in view of Wray and Shippy does not disclose the feature: “wherein the transaction messages comprise an unencrypted header and encrypted payload data compatible with the first data format”.

The Examiner argues: “Wray teaches a method for providing an end-to-end secure communication path between a first end system and a second end system. Wray teaches that the method includes encryption/decryption services for the messages that are exchanged over the communications path. Wray teaches that the messages have unencrypted header fields and that the payload can be encrypted (Abstract: col. 1, lines 46-52; col. 3, lines 46-67; and col. 16, lines 23-29). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system andmethod for managing application-to-application communication of Ankireddipally, the method for encryption and decryption as taught by Wray, since the claimed invention ismerely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill inthat art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants assert that the Examiner’s argument for supporting a modification of Ankireddipally by the alleged teaching of Wray is no more than a rote repetition of a generic argument that the Examiner has not particulaized to facts specific to Ankireddipally and Wray. The Examiner’s failure to provide any credible analysis to support the Examiner’s suggested modification of Ankireddipally by the alleged teaching of Wray makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 64.

In addition, Ankireddipally in view of Wray and Shippy does not disclose the feature: “wherein the computer readable program code is configured to decrypt the encrypted payload data and subsequently re-encrypt the decrypted payload data according to the data format in accordance with said identified second protocol”.

The Examiner argues: “Shippy teaches a method where a data stream (e.g. message) that has a protocol specific encrypted data (i.e. payload) is received by a second system from a first system. Shippy teaches that the second system can perform a translation of the data by decrypting the encrypted protocol specific data to produce the decrypted data. Once the data is decrypted, the payload of the decrypted data is re-encrypted (Abstract and col. 13, lines 41-48). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and method for managing application-to-application communication of Ankireddipally, the method for encryption and decryption as taught by Shippy, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants assert that the Examiner’s argument for supporting a modification of Ankireddipally by the alleged teaching of Shippy is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Shippy. The Examiner’s failure to provide any credible analysis to support the Examiner’s suggested modification of Ankireddipally by the alleged teaching of Shippy makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 64.

### Claim 65

The Examiner rejected claim 65 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, Wray and Shippy as applied to claim 64 above, and further in view of Callon et al., Pat. No. 5,251,205 (hereinafter Callon) and Ma, Pat. No. 6,976,075 (hereinafter Ma).

Since claim 65 depends from claim 26, which Applicants have argued *supra* to not be unpatentable over Ankireddipally under 35 U.S.C. §102(e), Applicants maintain that claim 65 is likewise not unpatentable over Ankireddipally in view of Wray and Shippy, and further in view of Callon and Ma under 35 U.S.C. §103(a).

In addition, Ankireddipally in view of Wray and Shippy, and further in view of Callon and Ma does not disclose the feature: “determine that information in the header is compatible with the at least one of the plurality of second trading partners”.

The Examiner argues: “Callon teaches that in a method for routing multiple protocols that the encapsulation header on the user data packet is checked to determine if the header is compatible with the next router's protocol (e.g. network node; col. 29, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and method for managing application-to-application communication of Ankireddipally, the method of checking the header of data packets for compatibility as taught by Callon, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants assert that the Examiner's argument for supporting a modification of Ankireddipally by the alleged teaching of Callon is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Callon. The Examiner's failure to provide any credible analysis to support the Examiner's suggested modification of Ankireddipally by the alleged teaching of Callon makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 65.

In addition, Ankireddipally in view of Wray and Shippy, and further in view of Callon and Ma does not disclose the feature: "modify the header, including strip unneeded information from the header and alter content of the header".

The Examiner argues: "Ma teaches that in a wireless network a simplified header is used for communicating with a PDA. Ma teaches that the simplified header is a header that is reduced in size and contains a minimal amount of information (Abstract; col. 3, lines 29-38; col. 4, lines 48-55; and col. 9, lines 1-17. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system andmethod for managing application-to-application communication of Ankireddipally, the method of using a simplified header as taught by Ma, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill inthat art would have recognized that the results of the combination were predictable. SeeMPEP 2143 (Rev. 6, Sept 2007)."

In response, Applicants notes that Ma teaches data packets having reduced headers (col. 9, lines 6-7). However none of the Examiner's citations to Ma disclose stripping unneeded

information from the header as required by claim 65. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 65.

In further response, Applicants notes that the Examiner does provide any citation to Ma allegedly disclosing “alter content of the header”. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 65.

In yet further response, Applicants assert that the Examiner’s argument for supporting a modification of Ankireddipally by the alleged teaching of Ma is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Ma. The Examiner’s failure to provide any credible analysis to support the Examiner’s suggested modification of Ankireddipally by the alleged teaching of Ma makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 65.

In addition, Ankireddipally in view of Wray and Shippy, and further in view of Callon and Ma does not disclose the feature: “digitally sign the modified header”.

The Examiner argues: “Wray teaches a method for providing an end-to-end secure communication path between a first end system and a second end system. Wray teaches that the method includes encryption/decryption services for the messages that are exchanged over the communications path. Wray teaches that the messages include digital signatures (col. 9, lines 39-52). It would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to include in the system and method for managing application-to-application communication of Ankireddipally, the method of using digital signatures as taught by Wray, since the claimed invention is merely a combination of old elements, and in the combination each

element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants assert that the Examiner’s argument for supporting a modification of Ankireddipally by the alleged teaching of Wray is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Wray. The Examiner’s failure to provide any credible analysis to support the Examiner’s suggested modification of Ankireddipally by the alleged teaching of Wray makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 65.

#### Claim 68

The Examiner rejected claim 68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Barzilai et al., Pub. No. 2002/0029201 (hereinafter Barzilai) and Mahanti et al., Pub. No. 2002/0052824 (hereinafter Mahanti).

Since claim 68 depends from claim 26, which Applicants have argued *supra* to not be unpatentable over Ankireddipally under 35 U.S.C. §102(e), Applicants maintain that claim 68 is likewise not unpatentable over Ankireddipally in view of Barzilai and Mahanti under 35 U.S.C. §103(a).

In addition, Ankireddipally in view of Barzilai and Mahanti does not disclose the feature: “wherein the at least one of said plurality of second trading participants comprises at least two second trading participants of said plurality of second trading participants; wherein the second

business process data is an offer of a trading participation agreement between the first trading participant and a satisfactory second trading participant of said at least two second trading participants; wherein the service is a service of negotiating said trading participation agreement between the first trading participant and said satisfactory second trading participant; wherein said computer readable program code is configured to sequentially transmit said second business process data to each second trading participant of said at least two second trading participants and to subsequently receive a reply from each respective second trading participant of said at least two second trading participants before transmitting said second business process data to a next second trading participant of said at least two second trading participants”.

The Examiner argues: “Barzilai teaches a method for controlling business privacy in the electronic marketplace in which first and second parties exchange information; the second party is one of a plurality of parties ¶0022). Barzilai also teaches that within the electronic marketplace transactions (e.g. offer to buy) and negotiations between a buyer and seller are performed automatically by a market maker (i.e. intermediary server; ¶0051 and ¶0053). Barzilai also teaches that if the marker maker is unable to reach an agreement with a seller, the market maker will attempt to negotiate with another seller offering the desired item which the buyer wants to purchase (1[0055). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and method for managing application-to-application communication of Ankireddipally, the method of negotiating the purchase of an item of goods or services as taught by Barzilai, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function

as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants assert that the Examiner’s argument for supporting a modification of Ankireddipally by the alleged teaching of Barzilai is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Barzilai. The Examiner’s failure to provide any credible analysis to support the Examiner’s suggested modification of Ankireddipally by the alleged teaching of Barzilai makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 68.

In addition, Ankireddipally in view of Barzilai and Mahanti does not disclose the feature: “wherein upon receiving a satisfactory reply from a last second trading participant of said at least two second trading participants, said computer readable program code is configured to send confirmation to the first trading participant that said trading participation agreement has been successfully negotiated between the first trading participant and said satisfactory second trading participant, said satisfactory second trading participant consisting of said last second trading participant”.

The Examiner argues: “Mahanti teaches a method for performing automated negotiation processing in an electronic trading server in which users specify negotiation rules, such as notifications in connection with transactions. Mahanti teaches that this provides an option for user confirmations being required in connection with completing or accepting a particular offer, such as by a return e-mail response option (Abstract; ¶0110 and ¶0302). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and

method for managing application-toapplication communication of Ankireddipally, the method of user defined rules (i.e. policy) that included an option for user confirmations as taught by Mahanti, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants respectfully contend that the preceding argument by the Examiner is not persuasive, because the disclosure in Mahanti of “user confirmations being required in connection with completing or accepting a particular offer, such as by a return e-mail response option” does not satisfy the preceding feature of claim 68. In particular, the Examiner’s citations to Mahanti do not disclose that computer readable program code receives a satisfactory reply (i.e., an indication of acceptance) from the last second participant and subsequently send confirmation to the first trading participant that the trading participation agreement has been successfully negotiated between the first trading participant and the second trading participant, as required by the preceding feature of claim 68. The Examiner’s citations to Mahanti merely disclose that the second trading participant has indicated acceptance of an offer. Therefore, claim 68 is not unpatentable over Ankireddipally in view of Barzilai and Mahanti under 35 U.S.C. §103(a).

In further response, Applicants assert that the Examiner’s argument for supporting a modification of Ankireddipally by the alleged teaching of Mahanti is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Mahanti. The Examiner’s failure to provide any credible analysis to support the Examiner’s suggested modification of Ankireddipally by the alleged teaching of Mahanti

makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 68.

Furthermore, Applicants respectfully assert that the Examiner cannot use Mahanti to reject claim 33 under 35 U.S.C. § 103(a), because the filing date of January 9, 2001 of the present patent application is earlier than the filing date of April 23, 2001 of Mahanti. Although Mahanti claims priority of provisional application 60/198,926 filed April 21, 2000, the subject matter in Mananti cited by the Examiner to reject claim 33 under 35 U.S.C. § 103(a) does not appear to exist in provisional application 60/198,926. Therefore, the effective prior art date for the subject matter in Manhanti cited by the Examiner to reject claim 33 under 35 U.S.C. § 103(a) is the filing date of April 23, 2001 of Mahanti which is after the filing date of January 9, 2001 of the present patent application. Accordingly, the Examiner's rejection of claim 33 as allegedly unpatentable over Ankireddipally in view of Mahanti under 35 U.S.C. §103(a) may have no legal effect (depending on provisional application 60/241,812 discussed *infra*).

Applicants respectfully point out that the Examiner has cited the abstract and Pars. 0110 and 0302 of Mahanti as allegedly disclosing the claimed feature of "wherein upon receiving a satisfactory reply from a last second trading participant of said at least two second trading participants, said computer readable program code is configured to send confirmation to the first trading participant that said trading participation agreement has been successfully negotiated between the first trading participant and said satisfactory second trading participant, said satisfactory second trading participant consisting of said last second trading participant". In particular, the Examiner argues that Pars. 0110 and 0302 of Mahanti teaches user confirmations

being required in connection with completing or accepting a particular offer. Applicants cannot find disclosure in provisional application 60/198,926 of user confirmations being required in connection with completing or accepting a particular offer.

Applicants note that the organization and content of the subject matter in provisional application 60/198,926 is markedly different from the organization and content of the subject matter in Mahanti.

If the Examiner should use Mahanti as a prior art reference in the future, Applicants respectfully request that the Examiner identify the exact language in provisional application 60/198,926 relied upon by the Examiner, so that Applicants can assess whether the subject matter in Mahanti relied upon by the Examiner is new matter or is not new matter relative to provisional application 60/198,926.

Manhanti also claim priority to provisional application 60/241,812 filed October 19, 2000. However, provisional application 60/241,812 is not available in PAIR and Applicants have not had an opportunity to review provisional application 60/241,812. If the Examiner believes that provisional application 60/241,812 discloses the subject matter in Mahanti relied upon by the Examiner, then Applicants respectfully request that the Examiner provide Applicants with a copy of provisional application 60/241,812 and a identification of specific portions of provisional application 60/241,812 that the Examiner considers to disclose the relied upon subject matter.

#### Claim 69

The Examiner rejected claim 69 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ankireddipally, in view of Buonanno et al., Pub. No. 2002/0065885 (hereinafter Buonanno).

Since claim 69 depends from claim 26, which Applicants have argued *supra* to not be unpatentable over Ankireddipally under 35 U.S.C. §102(e), Applicants maintain that claim 69 is likewise not unpatentable over Ankireddipally in view of Buonanno under 35 U.S.C. §103(a).

In addition, Ankireddipally in view of Buonanno does not disclose the feature: “wherein said computer readable program code comprises a virtual trading participant, wherein the virtual trading participant is configured to receive fictitious business process data from the first trading participant and to both acknowledge the fictitious business process data and reply to the first trading participant that the fictitious business process data has been acknowledged in order to enable the first trading participant to determine that the first trading participant is prepared to automatically transmit the first business data to complete said business transactions”.

The Examiner argues: “Buonanno teaches that in a method and system for business-to-business transactions, a web server with web collaboration software can be used to provide software demonstrations or training sessions to groups of people scattered across the country or around the world (10042). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system and method for managing application-to-application communication of Ankireddipally, the method of providing software demonstrations as taught by Buonanno, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept 2007).”

In response, Applicants respectfully contend that the preceding argument by the Examiner is not persuasive, because the Examiner incorrectly argues that in Buonanno, the software

demonstrations represent the claimed fictitious business process data and that groups of people scattered across the country or around the world represent the claimed virtual trading participant. However, the claimed virtual trading participant is comprised by the computer readable program and is therefore program code and not groups of people. Furthermore, the Examiner's citations to Buonanno do not disclose that the virtual trading participant is configured both acknowledge the fictitious business process data and reply to the first trading participant that the fictitious business process data has been acknowledged." Accordingly, claim 69 is not unpatentable over Ankireddipally in view of Buonanno.

In further response, Applicants assert that the Examiner's argument for supporting a modification of Ankireddipally by the alleged teaching of Buonanno is no more than a rote repetition of a generic argument that the Examiner has not particularized to facts specific to Ankireddipally and Buonanno. The Examiner's failure to provide any credible analysis to support the Examiner's suggested modification of Ankireddipally by the alleged teaching of Buonanno makes it clear that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 69.

## CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

Date: 07/23/2008

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